

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 2922 OF 1994
IN
SECOND APPEAL ST.NO. 14350 OF 1994

Office notes, office
memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders.

Court's or Judge's orders.

CORAM : ABHAY S.OKA, J.

DATED : 17th February, 2005.

P.C.:

1. None for the Applicant. Office noting shows that the name of the Respondent No.1 is deleted as per the order of the Additional Registrar dated 12th April 1996. The Respondent No.1 is the original sole Plaintiff in whose favour decree for specific performance has been passed by the trial Court and the said decree has been confirmed by the Appellate Court. The challenge in the Second Appeal is to the said decree. In the absence of the original Plaintiff, the Appeal itself is incompetent and not maintainable in law. In view of this position, the application for condonation of delay is rejected. No order as to costs.

Judge.